AF/Tfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/729,373	Confirmation No.	: 8145
First Named Inventor	: Markus BEYLICH		
Filed	: December 8, 2003		
TC/A.U.	: 3748		
Examiner	: B. Q. Tran		
Docket No.	: 037141.53041US		
Customer No.	: 23911		
Title	: Method and Apparatus for Controlling a Secondary Air Stream in a Combustion Engine		

REPLY TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria , VA 22313-1450

Sir:

Responsive to the Final Office Action mailed November 30, 2005 in the above application, reconsideration of claims 1-5 is respectfully requested in view of the following remarks.

The rejection of Claims 1-5 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification is respectfully traversed.

The feature of sensing the continuous position or continuous mechanical displacement of the accelerator pedal is disclosed, *inter alia*, in paragraphs 6 and 12 of the specification. Specifically, paragraph 12 discloses drive-by-wire control systems and electronic signaling of the accelerator pedal position. One having ordinary skill in the art understands that accelerator pedal position information that is used in drive-by-wire control systems cannot be binary (i.e., pedal depressed or pedal not depressed) sensory information, but instead in this context must be a sensed continuous position of the accelerator pedal. Such continuous position sensing enables near real-time control of the secondary air stream, as disclosed in paragraph 6. Because a person of ordinary skill in the art would recognize that sensing a continuous position of the accelerator pedal is